

REMARKS

Claims 1-3 and 5-13 are pending in the present application. Reconsideration and withdrawal of the present rejection in view of the comments presented herein are respectfully requested.

Rejection under 35 U.S.C. § 102(b)/§103(a)

Claims 1-3 and 5-13 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over, Yamanaka et al. (US 7,252,924).

Yamanaka et al. was filed on March 17, 2004, and does not claim priority to any US application. Thus, the earliest prior art date of Yamanaka et al. is its filing date of March 17, 2004 under § 102(e). The present application claims priority to Japanese Patent Application No. 2003-194256, filed on July 9, 2003 which is prior to the filing date of Yamanaka et al. Enclosed herewith is a copy of a certified translation of the Japanese priority application (JP 2003-194256), which is virtually identical to the present application. Thus, all of the presently pending claims are entitled to the July 9, 2003 priority date. Accordingly, Yamanaka et al. does not qualify as prior art against the present application.

In view of the comments provided above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b)/§103(a).

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance. If any minor matters remain that could be addressed via teleconference, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/8/08

By: 

Neil S. Bartfield, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550